

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Howard Dennis Kelly

v.

Civil No. 13-cv-107-PB

Strafford County Department
of Corrections Superintendent, et al.

ORDER GRANTING MOTION TO PROCEED
IN FORMA PAUPERIS

The plaintiff, an inmate at FCI Victorville 2 (“Institution”), has filed a motion to proceed *in forma pauperis* in the above-captioned case, which is accompanied by a certificate signed by an authorized individual from the Institution. The certificate evidences that over the last six months, the plaintiff’s average deposits have been \$0.06 and the plaintiff’s average monthly balance has been \$0.06. Plaintiff has also submitted a signed consent form indicating consent to permit inmate accounts to make court-ordered payments on his behalf.

The motion to proceed *in forma pauperis* is GRANTED. While 28 U.S.C. § 1915(b)(1) requires the court assess an initial filing fee, given the plaintiff’s current balance is \$0.06 there shall be no initial filing fee assessed. Going forward, however, the plaintiff shall be responsible for monthly payments of 20% of each preceding month’s income credited to his account, which shall be remitted by the Institution when the amount in the account exceeds \$10.00 until the sum of \$350.00 has been paid. 28 U.S.C. § 1915(b)(2).

The monthly payments as outlined above, shall be forwarded to the Clerk of Court by the Institution in accordance with this Order. A copy of this Order, along with a copy of the signed

Prisoner Consent Form (doc. no. 7), shall be forwarded by the Court to the Institutions inmate account department.

SO ORDERED.



Landya B. McCafferty
United States Magistrate Judge

Dated: May 6, 2013

cc: Howard Dennis Kelly, pro se
FCI Victorville 2 Inmate Accounts